

DECEMBER 28, 2007

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Chavarria Harris]
And]
Mary Harris]
Plaintiffs] No:
V.]
Ruth Dorochoff]
Director, United States Citizenship]
And Immigration Services]
Defendant]

08 C 0010

**JUDGE BUCKLO
MAGISTRATE JUDGE NOLAN**

COMPLAINT FOR DECLARATORY JUDGEMENT

Plaintiffs by and through their attorney, respectfully apply for a declaratory judgment pursuant to 28 U.S.C. section 1331, and in support of this application state the following:

JURISDICTION

1. This action is brought pursuant to the provisions of 28 U.S.C. Section 1331; Immigration and Nationality Act(INA) section 1329 and the due process clause of the 5th Amendment to the United States Constitution.
2. Plaintiff Chavarria Harris is a citizen of the United States.
3. Plaintiff Mary Harris is a citizen of Ghana and is the spouse of plaintiff Chavarria Harris.
4. Defendant Ruth Dorochoff is the interim director of the United States Citizenship and Immigration Services(USCIS) in Chicago who is charged by law with the administration and enforcement of the Immigration laws of the United States as they pertain to the Chicago District.
5. Pursuant to section 245 of the Immigration and Nationality Act as amended(the Act) and pursuant to part 245 of 8CFR, plaintiff Chavarria Harris filed an alien relative petition for his spouse Mary Harris on April 29, 2004 and concurrent with this petition, plaintiff Mary Harris also filed an application to adjust her status to that of an alien admitted to permanent residence in the United States.

6. The petition and the application were assigned the file number A099 117 210.
7. The plaintiffs were interviewed on the petition and the application on July 28, 2005.
8. As of the filing of this lawsuit, defendant has not given any indications to plaintiff of her intention to rule on their petition and application as provided by law.
9. Plaintiffs' application and petition have been completely ignored by defendant district director, contrary to the provisions of law and as mandated by the due process clause of the 5th amendment to the United States Constitution .
10. Plaintiffs have enquired several times of their petition and application but defendant has not provided any meaningful response to them.
11. Plaintiffs have no administrative remedies to exhaust in this situation.

PRAYER

WHEREFORE plaintiffs pray as follows:

1. An Order declaring that defendant's failure to provide a decision on plaintiffs petition and application, more than two years after they have been interviewed, is contrary to law and a denial of their due process of law rights.
2. An Order compelling defendant to adjudicate plaintiff's application and petition expeditiously as mandated by law.
3. Award of costs and attorney fees against defendant.
4. Grant any other relief that this court deems reasonable and appropriate.

Chavarria Harris
Mary Harris

By: s/Fred Amoakohene
FRED AMOAKOHENE

ATTORNEY FOR PLAINTIFFS

FRED AMOAKOHENE
ATTORNEY AT LAW
619 S. LASALLE, SUITE 103
CHICAGO, IL 60605
(312) 427 7280